



Attorney/Docket No. 31132.173
Customer No. 000046333

IFW

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Hai H. Trieu

6

Serial No.: 10/785,260

Filed: January 27, 2004

For: Hybrid Intervertebral Disc System

§
§
§
§
§
§
§

Group Art Unit: 3768

Confirmation No.: 9578

Examiner: Isabella, David J.

SECOND INFORMATION DISCLOSURE STATEMENT

Mail Stop Amendment

Commissioner For Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Dear Sir:

In compliance with the duty of disclosure under 37 CFR §1.56, and in accordance with the practice under 37 CFR §1.97 and §1.98, the Examiner's attention is directed to the documents listed on the enclosed modified Form PTO-1449. No inference should be made that the cited references are in fact material, are in fact prior art, or that no better art exists. The cited references are listed in numerical order and are not in any order based on their pertinence.


The undersigned first became aware of the cited patents by their inclusion in an International Search Report issued by the ISA/EP on May 2, 2005, the foreign counterpart of the present application. A copy of the search report is enclosed.

The above-identified application was filed after June 30, 2003. Therefore, pursuant to the waiver of the requirement under 37 CFR 1.98 (a)(2)(i) as stated in a Pre-OG Notice dated July 11, 2003, a copy of only the foreign patent documents listed on the enclosed modified Form PTO-1449 are attached.

The Commissioner is hereby authorized to charge any fees which may be required or credit any overpayment to Deposit Account 08-1394.

It is respectfully requested that the above information be considered by the Examiner and that a copy of the enclosed Form PTO-1449 be returned indicating that such information has been considered.

Respectfully submitted,


Julie M. Nickols
Registration No. 50,826

Date: June 21, 2005
HAYNES AND BOONE, LLP
901 Main Street, Suite 3100
Dallas, Texas 75202-3789
Telephone: 972-739-8640
Facsimile: 214-200-0853

Certificate of Mailing

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on 6-21-05.

Gayle Conner

Printed Name

Signature



In place of
PTO-1449
Form

U.S. DEPARTMENT OF COMMERCE
PATENT AND TRADEMARK OFFICE

INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(use as many sheets as necessary)

Complete if Known

Application Number	10/765,260
Filing Date	January 27, 2004
Applicant(s)	Hai H. Trieu,
Art Unit	3738
Examiner Name	Isabella, David J.
Attorney Docket Number	31132.173

SHEET	1	OF	1
-------	---	----	---

U. S. PATENT DOCUMENTS

[illegible]

FOREIGN PATENT DOCUMENTS

Examiner's Initials	Cite No.	Foreign Patent Document (Country Code - Number - Kind)	Publication Date MM-DD-YYYY	Patentee or Applicant of Cited Document	Translation Y/N
	A5	EP 0 566 810	10/27/1993	Sulzer Medizinal Technik	No
	A6	WO 00/13619	03/16/2000	Spinal Dynamics Corporation	Yes
	A7	FR 2 787 014	06/16/2000	Dimso	No
	A8	FR 2 787 021	06/16/2000	Dimso	No
	A9	WO 00/53127	09/14/2000	Sulzer Spine-Tech Inc.	Yes
	A10	WO 03/094806	11/20/2003	Ferree	Yes

NON-PATENT LITERATURE DOCUMENTS

Examiner's Initials	Cite No.	Include name of the author (in CAPITAL LETTERS), title of the article, title of the item, date, page(s), volume-issue number(s), publisher, city/country where published
	A11	Patent Cooperation Treaty – European Patent Office, "Notification of Transmittal of The International Search Report and The Written Opinion of the International Searching Authority, or the Declaration," May 2, 2005, 14 pages

Examiner Signature		Date Considered	
-----------------------	--	--------------------	--

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include a copy of this form with next communication to applicant.